

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

MICHAEL WARD,

Petitioner,

Case No. 03-72701

Hon. Arthur J. Tarnow

v.

HUGH WOLFENBARGER,

Respondent.

\_\_\_\_\_ /


**Exhibit JJ: Documents Re 06.20.17 Contraband Ticket at MRF**

MICHIGAN DEPARTMENT OF CORRECTIONS

**CLASS I MISCONDUCT HEARING REPORT**

5-27B

CSJ-240B  
Rev. 10/10

Prisoner Number <b>128267</b>	Prisoner Name <b>Ward</b>	Facility Code <b>MRF</b>	Lock <b>Seg</b>	Violation Date <b>06/20/2017</b>
Charge(s) <b>Smuggling; Possession of Dangerous Contraband</b>				
If Charge Changed by Hearing Officer			Plea <input type="checkbox"/> Guilty <input checked="" type="checkbox"/> Not Guilty	
Misconduct Report Read to and Discussed with Prisoner <input checked="" type="checkbox"/> (check if applies) Hearing Investigation Read to and Discussed with Prisoner <input checked="" type="checkbox"/> (check if applies)			No Hearing Investigation Requested <input type="checkbox"/> (check if applies)	
<b>EVIDENCE/STATEMENTS IN ADDITION TO MISCONDUCT REPORT</b>				
<p>Prisoner present misconduct report read aloud. Prisoner states he is not guilty. He did not have any of these things. HI summary, 2 page questionnaire and 1 page response of Wysong read. 10 photos, Misconduct hearing report, contraband removal 2 misconduct report dated 5.2.17, Property pack up. Two page statement of Ward read aloud. Prisoner requests more time to prepare. He states he would like the property sheet from ARF, contraband removal form and to view the typewriter to see if this is his typewriter. Prisoner requests he be allowed to waive time limits to work with HI. Hearing adjourned time limits waived. MS 6.28.17 Hearing reconvened. Prisoner provided a form dated 4.24.17 from LRF stating the typewriter was in good working condition Ward states he has not had his typewriter since that date.</p>				
<b>REASONS FOR FINDINGS</b>				
<p>45 Smuggling is "Bringing or attempting to bring an unauthorized item into or out of a correctional facility or a specialized area or unit within a facility such as segregation." Per PD 03.03.105, Possession of Dangerous Contraband includes the unauthorized possession of a tattooing device.</p> <p>In this case the chain of custody for the typewriter is not clear from 4.24.17. It is clear since ARF prisoner did not have this typewriter. The photos from a contraband ticket at ARF show the motor intact. Since prisoner has not had the typewriter, it is unclear if the motor was attached at ARF or not, it appears that it was. None the less, I am convinced this was the motor which belongs to the typewriter. It has not been altered. I am also not convinced the needles can be or were used for tattooing. Again prisoner states the typewriter has been altered and he did not place any of the items in the typewriter. For those reasons, neither charge is sustained as too many questions come into place as to condition of typewriter, and prisoners access to same.</p>				
<b>PROPERTY DISPOSITION (for contraband see PD 04.07.112)</b>				
<p>Typewriter to be picked up at the facility.</p>				
<b>FINDINGS</b>				
Charge No. 1	<input type="checkbox"/> Guilty	<input checked="" type="checkbox"/> Not Guilty	<input type="checkbox"/> Dismissed	Reporting Code <u>045</u>
Charge No. 2	<input type="checkbox"/> Guilty	<input checked="" type="checkbox"/> Not Guilty	<input type="checkbox"/> Dismissed	Reporting Code <u>030</u>
Charge No. 3	<input type="checkbox"/> Guilty	<input type="checkbox"/> Not Guilty	<input type="checkbox"/> Dismissed	Reporting Code _____
Charge No. 4	<input type="checkbox"/> Guilty	<input type="checkbox"/> Not Guilty	<input type="checkbox"/> Dismissed	Reporting Code _____
<b>DISPOSITION (select one or more) (Toplock &amp; LOP Sanctions End at 6:00 am)</b>				
Begins		Ends		
Days of Detention	_____	_____	Days Credit	_____
Days Top Lock	_____	_____	Hours Extra Duty	_____
Days Loss of Privileges	_____	_____	\$ Restitution	_____
Misconduct Hearing Report personally handed to Prisoner by Hearing Officer on this date: _____ (Check if Applies) <input type="checkbox"/>			Hearing Report given to Staff Member by Hearing Officer for Delivery to Prisoner this date: <u>8/2/2017</u> (Check if Applies) <input checked="" type="checkbox"/>	
Date of Hearing <b>08/01/2017</b>			Name of Staff Member <b>Bridges</b>	
Hearing Officer's Name <b>M Szappan 0056</b>		Hearing Officer's Signature 		Date <b>08/02/2017</b>

DISTRIBUTION ☐ Record Office ☐ Central Office File ☐ Prisoner ☐ Counselor File ☐ Hearing Investigator

## MICHIGAN DEPARTMENT OF CORRECTIONS

## MISCONDUCT REPORT

10/10 4835-3228

Prisoner Number: 128267	Prisoner Name: Ward	Facility Code: MRF	Lock: 3-110B	Violation Date: 6/20/2017
----------------------------	------------------------	-----------------------	-----------------	------------------------------

Time and Place of Violation: 1515 Hours Typewriter and ribbon cartridges	Contraband Removal Record Provided to Prisoner? <input checked="" type="checkbox"/> Yes Date 6/20/2017 <input checked="" type="checkbox"/> N/A
---	---

Misconduct Class: <input checked="" type="checkbox"/> I <input type="checkbox"/> II <input type="checkbox"/> III	Charge(s): Smuggling; Possession of Dangerous Contraband
--	--

Describe Violation (If contraband involved, describe in detail; identify any other employee witnesses):  
Prisoner Ward 128267 came in from Adrian Correctional Facility (ARF) on 5/23/2017. Ward's typewriter came in on 5/25/2017 as catch-up property and was NO'd by ARF. I did a routine shakedown of prisoner Ward 128267 typewriter and ribbon cartridges. I noticed that all (37) cartridges had scotch tape on the sides of them as though it was holding the front and the back pieces together. The ribbon cartridges opened freely and I found 3 tattoo needles, several pieces of metal. Looking inside the boxes the cartridges came in I found 2 tweezers. I looked at his typewriter and found a tattoo motor. Ward did not have have authorization to bring the items into a secure facility or to possess the items. All items were photographed and placed in the MSP Contraband Locker. Ward was identified by his OTIS Face Sheet

## MISCONDUCT REPORT

Prisoner Number: 128267	Prisoner Name: Ward	Violation Date: 6/20/2017
Time and Place of Violation: 1515 Hours Typewriter and	Center? <input checked="" type="checkbox"/> Yes	

Reporting Staff Member's Name (Print) C/O T. Wyson	Reporting Staff Member's Signature <i>C/O T. Wyson</i>	Date and Time Written 6/20/2017 1700 Hours
---	---	---

## REVIEW

Location/Verification/Condition of Evidence:  
cartridges I found that all (37) about the ribbon cartridges came in I found 2 tweezers. I found a tattoo motor.

Elevated to Class I at review: <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes	If "yes", explain reason:
---	---------------------------

## COMPLETE THIS SECTION ONLY FOR REVIEW OF CLASS I MISCONDUCT

Status Pending Hearing: <input type="checkbox"/> Bond <input type="checkbox"/> Segregation <input type="checkbox"/> Confinement to Cell/Room <input type="checkbox"/> Other	Reason if Non-Bond: <input type="checkbox"/> Non-Bond List <input checked="" type="checkbox"/> Bond Revoked (must give reason) AUTO NOU-BOND
---	--

Date and Time Given this Status:	Who Notified in Housing Unit of Status:
----------------------------------	---

Hearing Investigator Requested? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes	Witnesses Requested? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes
---	--

Relevant Documents Requested? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes	If yes, list: Will Give P.T.
---	------------------------------

Additional Comments:	Prisoner Waives 24 Hour Notice of Hearing? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes
----------------------	--

Reviewing Officer's Name (Print): Sgt. Purdon	Reviewing Officer's Signature: <i>Sgt. Purdon</i>	Review Date and Time: 6/20/17 1734
--	--	---------------------------------------

I have received a copy of this report. My signature does not necessarily mean that I agree with the report. <input checked="" type="checkbox"/> Prisoner refused to sign. Copy given to prisoner.	Prisoner's Signature: BEHID LOCKODDOR (copy given)
--	---

## WAIVER OF CLASS II OR III HEARING

I understand I have a right to a hearing. I waive my right to a hearing and plead guilty to all charges. I also waive my right to appeal and accept the sanctions imposed.	Prisoner's Signature: BEHID LOCKODDOR	Date: 6/20/2017
--	--	--------------------

## SANCTIONS IMPOSED (Hearing Investigator enters begin and end dates for Class II misconducts)

Days Toplock: _____	Begins: _____	Ends: _____	<input type="checkbox"/> Counseling/Reprimand (Class III only)
Days Loss of Privileges: _____	Begins: _____	Ends: _____	<input type="checkbox"/> \$ _____ Restitution (Class II only)
Hours Extra Duty: _____	Begins: _____	Ends: _____	

Property Disposition If Applicable:	Review Date and Time:
-------------------------------------	-----------------------

Employee Accepting Plea and Imposing Sanction (Print):	Employee's Signature:	Date:
--	-----------------------	-------

Hearing Investigator's Name (Print):	Hearing Investigator's Signature:	Date:
--------------------------------------	-----------------------------------	-------

Distribution: Prisoner; Counselor File; Record Office File (Class I and II); Central Office File (Class I); Hearing Investigator (Class I & Class II)
---







WARD

PRISONER NAME

128267

M.D.O.C. NUMBER

B 3-110-B

LOCK LOCATION

IN TYPEWRITER AND RIBBON CARTRIDGES

LOCATION FOUND

1515

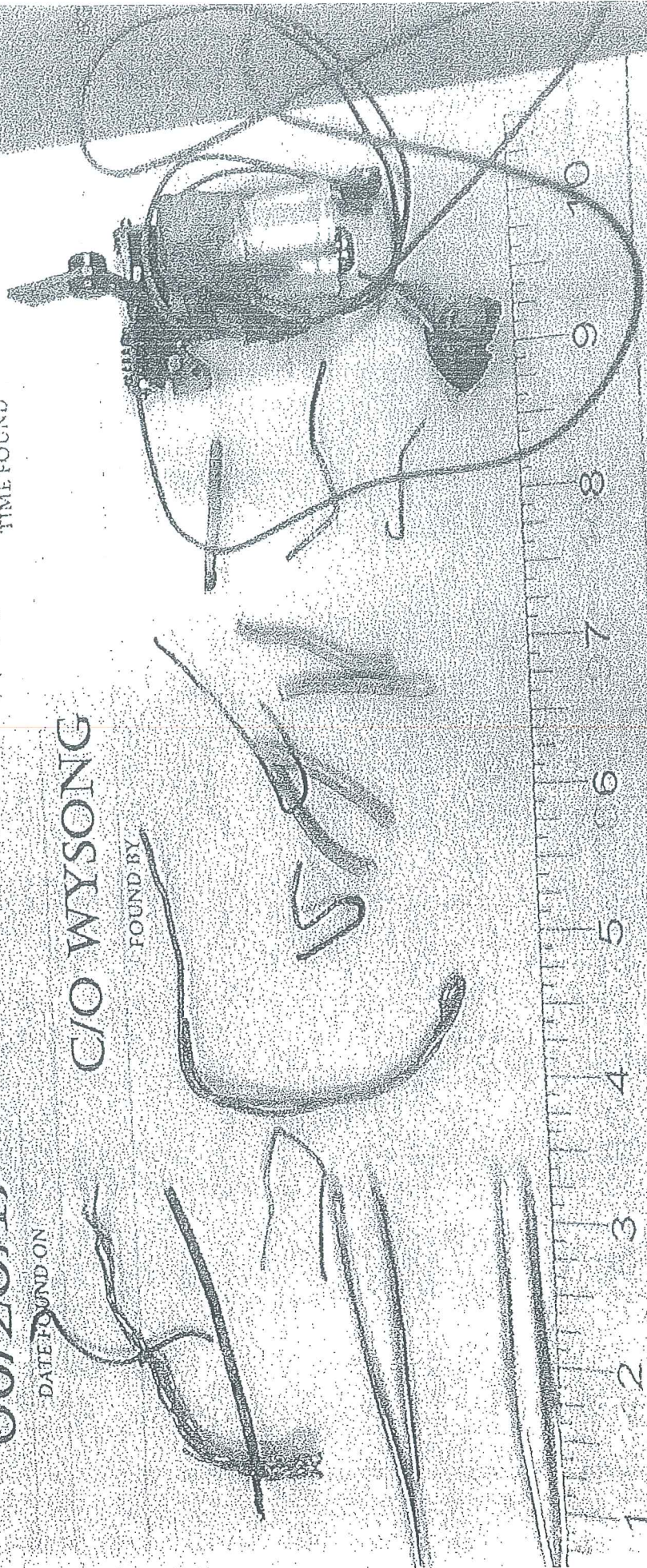
TIME FOUND

06/20/17

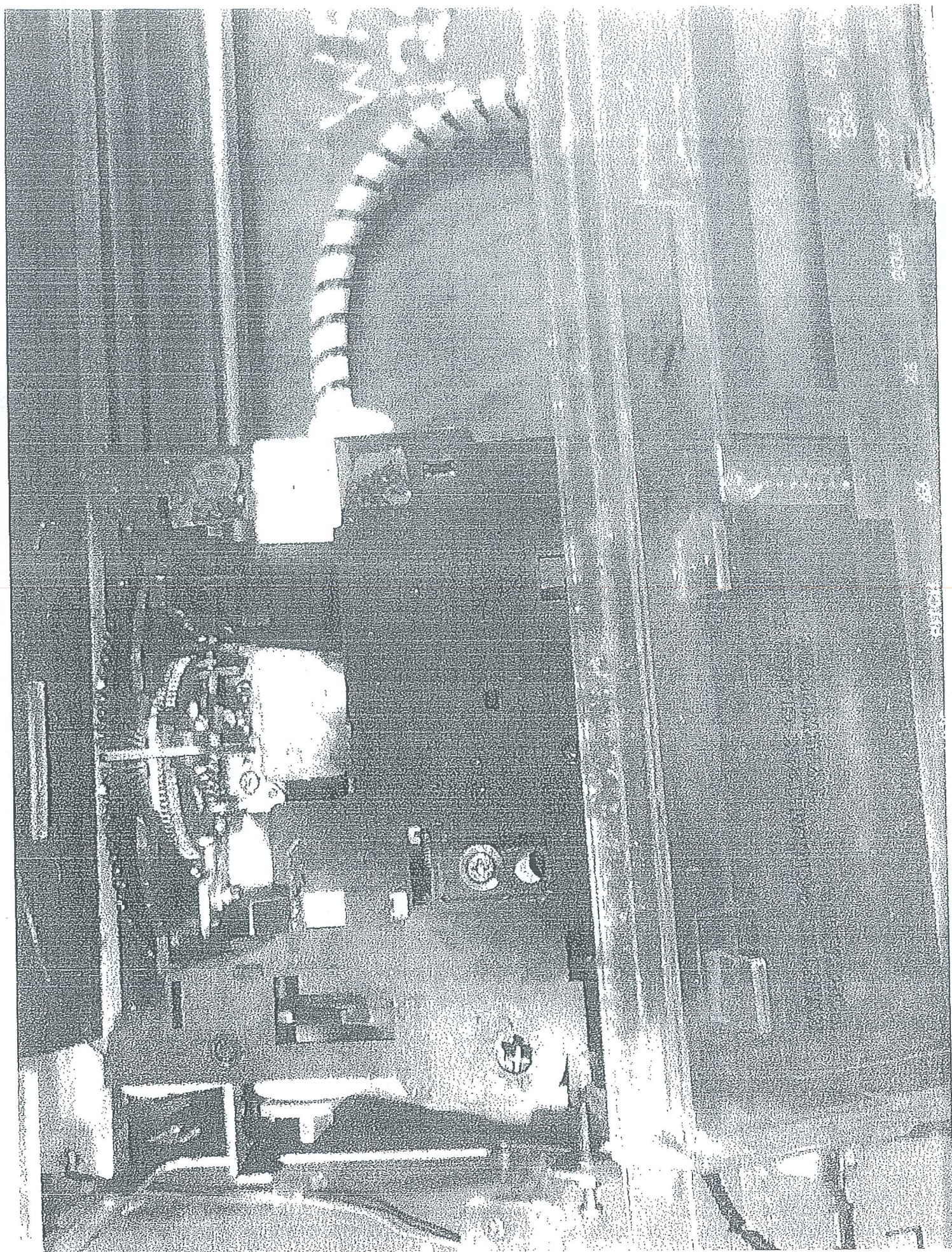
DATE FOUND ON

C/O WYSONG

FOUND BY









ILLINOIS DEPARTMENT OF CORRECTIONS  
**NOTICE OF INTENT TO CONDUCT AN ADMINISTRATIVE HEARING**

CSJ-282  
 REV. 06/06  
 4835-3282

Prisoner Number: 128267	Prisoner Name: Ward	Facility: MRF	Lock: 3-110B-0062	Date: 6/20/17
----------------------------	------------------------	------------------	----------------------	------------------

Reporting Staff Member Name (PRINT): Wysong	Title: CO	Reporting Staff Member Signature: <i>[Signature]</i>
--	--------------	---

Nature of Hearing (Property disposition, restriction, etc):

**Property Disposition**

Reason for Hearing (Describe events leading to this requested action. If property is involved, list all items and explain why taken):

Prisoner Ward 128267 came in from Adrian Correctional Facility (ARF) on 5/23/2017. Ward's typewriter came in on 5/25/2017 as catch-up property and was NOI'd by ARF. I did a routine shakedown of prisoner Ward 128267 typewriter and ribbon cartridges. I noticed that all ( 37 ) cartridges had scotch tape on the sides of them as though it was holding the front and the back pieces together. The ribbon cartridges opened freely and I found 3 tattoo needles, several pieces of metal. Looking inside the boxes the cartridges came in I found 2 tweezers. I looked at his typewriter and found a tattoo motor. Ward did not have have authorization to bring the items into a secure facility or to possess the items. Furthermore, Ward altered the typewriter and the 37 ribbon cartridges from their original state with the intent to conceal tattoo needles and a motor.

Proposed Disposition (Indicate what action you believe should be taken to address/resolve the above matter):

NOTE: Property dispositions are limited to the following:

- ☐ Photograph & return to prisoner it belongs to (except money/postage)
- ☐ Money/Postage - Turn over to PBF
- ☐ Store up to 30 calendar days for pick up
- ☐ Donate to charity as approved by the warden (property only)
- ☐ Mail at prisoner expense to person identified by prisoner
- ☒ Destroy (set forth reason below)

NOTE: Non-property dispositions:

- ☐ Telephone restriction \_\_\_\_ days  
begins \_\_\_\_ ends midnight \_\_\_\_
- ☐ Remove from following program: \_\_\_\_
- ☐ Remove \$ \_\_\_\_ from prisoner's account  
(indicate reason below)
- ☐ Other (explain below)

Additional Information (cite relevant rule, policy directive, procedure or justification):

PD 04.07.112 paragraph Y states in part, "Any property that is damaged or altered shall be specifically identified on the receipt by staff at the sending facility, who also shall issue a Notice of Intent to Conduct an Administrative Hearing".

<input type="checkbox"/> I understand and agree with the proposed disposition stated above and waive the right to a hearing. (to be checked ONLY if prisoner agrees with proposed disposition and does NOT wish to have a hearing).		
OR <input checked="" type="checkbox"/> I request a hearing. I have received a copy of this report. My signature does not necessarily mean that I agree with the report (to be checked ONLY if prisoner wishes to have a hearing).		
<input type="checkbox"/> I waive the 24 hour notification of hearing requirements.	Prisoner's Signature: <i>W. Ward</i>	Date: 6/22/17

Copy personally handed to prisoner on this date by the following staff member:

Staff Member Name (PRINT): A/Sgt. WPPleger	Title:	Staff Member Signature: <i>A/Sgt. WPPleger</i>	Date: 6/22/17
---	--------	---	------------------

Distribution: ☐ Record Office File ☐ Counselor File ☐ Prisoner

MICHIGAN DEPARTMENT OF CORRECTIONS  
CONTRABAND REMOVAL RECORDCSJ-284  
12/01  
4835-3284

Date: <b>06/20/2017</b>	Time: <b>15:15</b>	Staff Member's Name: <b>C/O Wysong</b>	Badge Number:
Prisoner Name: <b>Ward</b>	Prisoner Number: <b>128267</b>	Lock: <b>3-110B</b>	Facility: <b>MRF</b>
Location Contraband Found: <b>Property room</b>			
ITEM	DESCRIPTION AND REASON FOR CONFISCATION (Describe Fully):		
1	Typewriter		
2	37 ribbon cartridges		
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			
16			
17			
18			
19			
20			
21			
22			
23			
24			
25			
<input checked="" type="checkbox"/> SECURED IN OR <input type="checkbox"/> TURNED OVER TO: <b>property room</b>		Date: <b>06/20/2017</b>	Time: <b>19:00</b>
FOR			
<input checked="" type="checkbox"/> HEARING OR <input checked="" type="checkbox"/> INSPECTION			
<input type="checkbox"/> RETURNED TO PRISONER AFTER INSPECTION & WITHOUT ACTION TAKEN		Date:	Time:
Prisoner - Print Name:		Signature:	

DISTRIBUTION: ☐ File Copy ☐ Attached to NOI/Misconduct Report ☐ Prisoner ☐ With Contraband



MICHIGAN DEPARTMENT OF CORRECTIONS  
CONTRABAND REMOVAL RECORDCSJ-284  
12/01  
4835-3284

Date: <b>06/20/2017</b>	Time: <b>15:15</b>	Staff Member's Name: <b>C/O Wysong</b>	Badge Number:
Prisoner Name: <b>Ward</b>	Prisoner Number: <b>128267</b>	Lock: <b>3-110B</b>	Facility: <b>MRF</b>
Location Contraband Found: <b>In Ward's typewriter and ribbon cartridges</b>			
ITEM	DESCRIPTION AND REASON FOR CONFISCATION (Describe Fully):		
1	2 metal Tweezers		
2	3 tattoo needles		
3	1 tattoo motor		
4	Several pieces of metal		
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			
16			
17			
18			
19			
20			
21			
22			
23			
24			
25			
<input checked="" type="checkbox"/> SECURED IN OR <input type="checkbox"/> TURNED OVER TO: <b>MSP Locker</b>		Date: <b>06/20/2017</b>	Time: <b>19:00</b>
FOR			
<input type="checkbox"/> HEARING OR <input checked="" type="checkbox"/> INSPECTION			
<input type="checkbox"/> RETURNED TO PRISONER AFTER INSPECTION & WITHOUT ACTION TAKEN		Date:	Time:
Prisoner - Print Name:		Signature:	

DISTRIBUTION: ☐ File Copy ☐ Attached to NOI/Misconduct Report ☐ Prisoner ☐ With Contraband



MICHIGAN DEPARTMENT OF CORRECTIONS  
CONTRABAND REMOVAL RECORDCSJ-284  
12/01  
4835-3284

Date: 06/20/2017	Time: 15:15	Staff Member's Name: C/O Wysong	Badge Number:
Prisoner Name: Ward	Prisoner Number: 128267	Lock: 3-110B	Facility: MRF
Location Contraband Found: Property room			
ITEM	DESCRIPTION AND REASON FOR CONFISCATION (Describe Fully):		
1	Typewriter		
2	37 ribbon cartridges		
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			
16			
17			
18			
19			
20			
21			
22			
23			
24			
25			
<input checked="" type="checkbox"/> SECURED IN OR <input type="checkbox"/> TURNED OVER TO: property room		Date: 06/20/2017	Time: 19:00
FOR			
<input checked="" type="checkbox"/> HEARING OR <input checked="" type="checkbox"/> INSPECTION			
<input type="checkbox"/> RETURNED TO PRISONER AFTER INSPECTION & WITHOUT ACTION TAKEN		Date:	Time:
Prisoner - Print Name:		Signature:	

DISTRIBUTION: ☐ File Copy ☐ Attached to NOI/Misconduct Report ☐ Prisoner ☐ With Contraband